

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
May 3-7, 1999

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
5-3	EX	74/551,771	Michael Khadivar	Seeherman Chapman* Bucher	whether the configuration of applicant's goods is an inherently distinctive trademark for those goods	Refusal Affirmed		vertically-oriented configuration of an AM/FM cassette player, with a shallow housing and a particular placement of doors and panels [AM/FM audio cassette players]		Vanston	No
5-3	EX	74/552,579	Michael Khadivar	Seeherman Chapman* Bucher	whether the configuration of applicant's goods is an inherently distinctive trademark for those goods	Refusal Affirmed		vertically-oriented configuration of a compact disc player, with a shallow housing and a particular placement of panels, door, and control knobs [compact disc players]		Vanston	No
5-7	EX	74/447,347	AEW, Inc.	Hohein Walters* Chapman	Section 6 disclaimer requirement (of words DISCOUNT AUTO PARTS STORES)-- whether those words are generic and, if not, whether they are distinctive of applicant's services, under Section 2(f)	Refusal Affirmed		"DAPS--DISCOUNT AUTO PARTS STORES" (and design) [retail auto parts stores]		Cataldo	No

(1) EX=Ex Parte Appeal; OPP=Opposition; CANC=Cancellation; CU=Concurrent Use; (SJ)=Summary Judgment; (MD)=Motion to Dismiss; (MR)=Motion to Reopen; (R)=Request for Reconsideration

(2) *=Opinion Writer; (D)=Dissenting Panel Member

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5-7	EX	74/523,161	Platinum Technology, Inc.	Hanak* Hairston Chapman	Section 6 disclaimer requirement (of word ANALYZER)	Refusal Reversed		"PLATINUM BIND ANALYZER" [computer software for use in the field of databases, database management and administration, database design and implementation, database query and reporting, programming and application development, and instructional materials distributed therewith]		Odin	No
5-7	EX	75/111,554	QVC, Inc.	Seeherman* Hanak Chapman	2(d)	Refusal Affirmed		"FREESTYLE" [sportswear, namely, skirts, blouses, pants, shirts, jackets, vests, shorts, and anoraks, sold through home shopping services through the use of television]	"FREESTYLE" [fabrics in the piece composed of man-made fibers, and fabrics in the piece, composed of blends of cotton fibers and man-made fibers]	Foster	No
5-7	OPP	103,446	HRB Royalty, Inc. v. Blockbuster Tax Services, Inc.	Cissel* Seeherman Quinn	2(d)	Opposition Sustained (but only as to the H & R BLOCK mark and trade name)	"H & R BLOCK" (trade name use); "H & R BLOCK" (and design) [preparation of tax returns for others; conducting classes and courses in preparation of tax returns]; "RAPID REFUND--H & R BLOCK" (and design) [electronic transmission of income tax return information]	"BLOCK BUSTER--BOOKKEEPING & TAX SERVICE INCORPORATED" (and design) [preparation of federal and state income taxes]			No

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5-7	OPP	103,578	Towle Mfg. Co. v. Godinger Silver Art Co., Ltd.	Hanak Hohein Bucher*	2(d)	Opposition Dismissed	"OLD MASTER" [sterling silver and sterling silver mounted flatware, hollow-ware and cutlery; silverplated holloware]	"GRANDE MASTER" [silverplated flatware, namely, knives, forks, and spoons]			No

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